

Minutes of the regular meeting of the Town Council of the Town of Apple Valley, Washington County, Utah that was held on the 6<sup>th</sup> day of February, 2014 at the Smithsonian Fire Department Building, 1777 N. Meadowlark Dr. Apple Valley, Utah.

1. The meeting was called to order at 6:30 pm.
2. The Pledge of Allegiance was led by Mayor Moser.
3. Roll Call: Roger Ashmore, Trevor Black, Judith Davis, Kevin Sair, and Mayor Moser were present. Legal Counsel was excused. Code Enforcement Officer, April Ruesch, was present. Fire Chief, Louie Ford was present. Town Clerk, Nathan Bronemann, took minutes.
4. Declarations of conflict of interests.

None stated.

5. Public Comment

No comments.

Motion made by Roger Ashmore to close public comment. Trevor Black seconded the motion.

Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

6. Discussion and possible action on encroachment fees – South Central Communications

Mike Savage from South Central Communications explained that after striking an agreement with most communities no longer charged encroachment fees to South Central. He added that many communities did charge fees if they cut asphalt, which they rarely did. He asked the Town Council to take a look at what the surrounding communities charged and to take that information into account.

Judith Davis inquired about Hurricane, LaVerkin and Rockville.

Mike Savage said that they did not provide services in those areas, but that when they ran fiber over to Rockville, he thought they charged around \$100. He added that they do good work and rarely leave behind any damage. He said he had been in touch with Rod Mills about the best path to run the fiber line around the Juniper corner.

Mayor Moser asked if Mr. Savage was asking for a reduction in fees at this time.

Mike Savage said that he would appreciate it if the Council could reduce the encroachment fee at this time.

Richard Fischer said \$1 per foot was pretty standard in other areas, but that rate was usually for pavement. He added that the fee on dirt was usually waived.

Roger Ashmore said the Town's Fee seemed a bit high.

Motion made by Roger Ashmore to reduce the fee by 50%. Kevin Sair seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

7. Discussion and possible action on supporting the proposed Washington County gas tax

Kevin Sair said he was still concerned that the potential revenues would be kept locally.

Mayor Moser said it would not likely be go before the legislature until next year. He said the proposal had been supported by the ULCT and reviewed by their attorneys. He said that if UDOT tried to take the revenues away from the localities, the bill would likely loose support.

Trevor Black said the money had to come from somewhere, whether they get it from the passage of this proposal or from another tax or fee.

Roger Ashmore expressed concern that they were not proposing to charge these increased fees for diesel and natural gas. He believed that it should be charged as a unified front across all fuel types.

Judith Davis said that since everyone was driving less, they were collecting less tax revenue and that is why they wanted to raise the taxes. She said that since everyone was being more responsible and using less energy, they are going to be charged more in taxes. She said it was a no-win situation.

Motion made by Judith Davis to support the proposal if it was charged as a unified front and if it stayed local. Trevor Black seconded the motion. Vote: Roger Ashmore-abstain, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 4/0 with one abstention.

8. Discussion and possible action on scheduling a hearing to amend the budget

Motion made by Mayor Moser to schedule a hearing to amend the Town's annual budget during the next regular Town Council meeting on the 20<sup>th</sup> of February. Trevor Black seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

9. Report from Kevin Sair on HAM Radio operations

Kevin Sair said he had spoken with Randall Hardy about the possibility of HAM radio capability in the Town. Mr. Sair said he would like to do some research on the equipment needed. He said he would recommend that the Town office staff learn how to use the equipment if purchased for emergency situations. He said he would continue doing research.

10. Town Council appointments

Mayor Moser reviewed the suggested appointments as discussed in the work meeting. It was proposed to appoint Judith Davis as treasurer as well as Town Council liaison on the Parks and Recreation Committee, Roger Ashmore to sit on the Washington County Solid Waste board, and to oversee the proposed community garden, Dale Kingsley to serve on the Mosquito Abatement board, Kevin Sair as mayor pro-tem, to continue serving on the board of the SSD and to be Town Council liaison to the Planning Commission, Trevor Black to oversee roads, and Mayor Moser, to serve on the Mayors Association, to be Town Council liaison to the Fire Department, to attend the Washington County Water Conservancy District, AGOG, COG, and "turtle habitat" meetings, as well as to continue to serve on the SSD board.

Motion made by Kevin Sair to approve these proposed assignments. Trevor Black seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

a. Resolution 2014-005 assigning Dale Kingsley to serve on the mosquito abatement board

Motion made by Mayor Moser to assign Dale Kingsley to serve on the mosquito abatement board. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

11. Report and recommendation from the Planning Commission

Nothing to report.

12. Report and recommendation from the Big Plains Water and Sewer SSD

Mayor Moser said they were waiting for the State to approve the plans so they could be put out to bid.

13. Report and recommendation from the Parks and Recreation Department and the Community Events Committee

Marie McGowan reported that Laura Randall would be in charge of the Miss Apple Valley Pageant to take place on April 12<sup>th</sup>. She said they would be holding a fundraiser along with the fire department at the Chevron on January 22<sup>nd</sup>.

Mayor Moser asked Mrs. McGowan to notify the royalty that the Town of Apple Valley would be spotlighted in this year's Washington County Fair and that he expected the royalty to help with that task.

14. Report from the Fire Department

Louie Ford reported that they were going through each truck and doing routine maintenance on them to prepare for the upcoming fire season. He said they were having Casey Lofthouse do the work at his shop in Hurricane. He said Erin Liddle would be doing a CPR certification for up to eight people on the 26<sup>th</sup> of February at 6:00 pm. He said they had six firefighters that would be attending and said they would have room for two more if anyone wanted to attend. He said it was usual to pay \$100 for such training.

Mayor Moser said they would be discussing the youth fire program in the next Town staff meeting.

15. Report and recommendation from the Code Enforcement Officer

See attached.

16. Report and recommendation from Emergency Management

See attached.

17. Roads Report and consideration of continuing improvements

Trevor Black said as it was wet and slick, he asked everyone to drive carefully. He said the Richard Fischer has a 1979 or 1980 Mack dump truck that he would sell to the Town for \$6,000. Mr. Black said it needed minor repairs that he would be willing to do.

Motion made by Trevor Black to approve the purchase of this dump truck for \$6,000. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

18. Consent Calendar - Income and Expenses - Town Treasurer

Motion made by Trevor Black to approve the consent calendar. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

19. Consider approval of minutes:

a. January 16, 2014 Regular Meeting Minutes

Motion made by Trevor Black to approve the January 16, 2014 regular meeting minutes. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

b. January 30, 2014 Work Meeting Minutes

Motion made by Trevor Black to approve the January 30, 2014 work meeting minutes. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

20. Announcements

a. Annual declarations of conflicts of interest

Mayor Moser reminded the Council to draft and turn in letters of any potential conflicts of interest that they may have.

b. Youth Town Council

Mayor Moser asked if the Council supported the creation of a Youth Council.

They all supported it.

Mayor Moser said he would have the attorney draft a resolution to create the council and then they could request applications.

21. Request for a closed session

Motion made by Mayor Moser to hold a closed session to discuss the purchase of property on the Gateway project. Roger Ashmore seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

22. Adjournment

Motion made by Mayor Moser to adjourn the meeting. Trevor Black seconded the motion. Vote: Roger Ashmore-yes, Trevor Black-yes, Judith Davis-yes, Kevin Sair-yes, and Mayor Moser-yes. The motion passed 5/0.

Meeting adjourned at 8:02 PM.

Date approved: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Nathan Bronemann

\_\_\_\_\_  
Richard Moser

**February 6, 2014 CODE ENFORCER'S REPORT TO TOWN COUNCIL**

Since January 16, 2014:

I received complaints about people burning during the off season.

There are still many dogs in Apple Valley that have not been registered this year. Licenses are now due and late fees may be charged after Feb. 15th. I'm in the process of sending out warning notices.

Thank you.

April Ruesch

---

**EMERGENCY MANAGEMENT REPORT February 6, 2014**

We had 1 Apple Valley resident attend the CERT training in Hurricane.

(IMPORTANT Reminder all town officials, workers and firemen are required to take NIMS courses, 100 & 700. It is also recommended that town officials take ICS-G402. We need your cooperation. The more people trained, the better prepared we will be. Outside help will not always be available and able to get to us. (If you need assistance let me know.)

Thank you.

*April Ruesch*